



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 07511-98
23 April 1999

SSGT [REDACTED] USMC
[REDACTED]
[REDACTED]

Dear Staff Sergeant [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 April 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps Performance Evaluation Review Board (PERB), dated 22 February 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

7511-98
IN REPLY REFER TO:
1610
MMER/PERB
FEB 22 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF STAFF
SERGEANT [REDACTED] USMC

Ref: (a) SSgt. [REDACTED] DD Form 149 of 24 Sep 98
(b) MCO P1610.7D w/Ch 1

1. Per MCO 1610.11B, the Performance Evaluation Review Board, with three members present, met on 12 February 1999 to consider Staff Sergeant [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 971001 to 971231 (AN) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner argues that the Reporting Senior based the evaluation solely on productivity as a recruiter, and not on the "whole Marine" concept. He also challenges the Reporting Senior's mark of "daily" observation in Item 18. To support his appeal, the petitioner cites his official rebuttal to the report and furnishes copies of prior and subsequent fitness reports.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. Notwithstanding the petitioner's argument and beliefs, the Board does not agree that the fitness report was based solely on productivity. His primary duty was that of a "recruiter" and the overall evaluation documents his performance in that regard. The Board specifically notes that in addition to declining accomplishments, the petitioner's work ethic and attitude had also declined (more than just mere "numbers").

b. Since each appraisal chronicles performance during a finite period, its comparison with prior and subsequent fitness reports is not considered a valid gauge in determining either accuracy or validity. The report at issue reflects the degree to which efforts were expended and the intensity and application of effort exerted. While the petitioner has expressed his dissatisfaction and states the report is not fair or accurate, he has not explained or otherwise documented how his performance rated any more than what has been recorded.

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c. Although the petitioner may have been geographically separated from the Reporting Senior, the very nature of recruiting duty would ensure that the Commanding Officer/Reporting Senior was aware of the petitioner's "daily" accomplishments. In this regard, the Board discerns no error/injustice in the marking of "daily" in Item 18.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Staff Sergeant [REDACTED] official military record.

5. The case is forwarded for final action.

[REDACTED]
Chairperson, Performance
Evaluation Review Board
Personnel Management Division
Manpower and Reserve Affairs
Department
By direction of the Commandant
of the Marine Corps